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REMARKS/ARGUMENTS

Favorable consideration and allowance of the instant application is respectfully requested in view of the foregoing amendments to the claims, and the remarks which follow.

Claims 25-37 are pending in this application.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claims 25-33 and 37 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over McCurry et al. (US 4,950,743). This rejection is again respectfully traversed for the following reasons.

Initially, Applicant would like to note that it is clear in the law that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure [underline emphases added]. *Manual of Patent Examining Procedure*, Rev. 3, July 1997, § 2142, pages 2100-108.

Applicant had previously argued that the '743 reference **admittedly** failed to teach or suggest **many** of the claimed elements of the present invention. However, in an effort to overcome this admitted lack of teaching or suggestion, the Examiner concluded that all of these claim limitations would nevertheless be obvious to those of ordinary skill in the art. The premises upon which the Examiner's conclusion of obviousness are based include, "convenience" and "obvious optimization". These premises, however, are neither taught

nor suggested anywhere within the four corners of the '743 reference, nor are they based on sound technical reasoning. Rather, they are based merely on the Examiner's unsupported speculation and assumption.

In response thereto, Applicant would once again like to note that it is extremely well settled that, "The Patent Office ... may not, because it may **doubt** that the invention is patentable, resort to speculation, unfounded assumptions or hindsight to supply deficiencies in its factual basis." See, In re Warner, 154 USPQ 173, 178 (CCPA 1967). The ultimate legal conclusion of obviousness must be based on facts or records, not on the Examiner's unsupported allegation that a particular modification is known and therefore obvious. Subjective opinions are of little weight in determining obviousness. See, In re Wagner et al, 152 USPQ 552 (CCPA 1967).

Consequently, since the '743 reference fails to teach or suggest all of the claimed limitations of the present invention, it cannot serve to render said invention prima facie obvious. See, MPEP 2142, supra.

Finally, Applicant would again like to note that it is well settled in the law that the mere allegation that the differences between the claimed subject matter and the prior art are obvious does not create a presumption of unpatentability which forces an Applicant to prove conclusively that the Patent Office is wrong. See, In re Soli, 137 USPQ 797 (CCPA 1963). Consequently, since nothing contained in the paragraph bridging pages 3 and 4 of the previous Office Action (Paper No. 16) qualifies as facts and/or technical reasoning sufficient to satisfy the Examiner's burden of proof in establishing the obviousness of the present invention in view of the teachings of the '743 reference, Applicant respectfully submits that the claimed invention is therefore patentable over its teachings.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 25 and 34-36 remain rejected under 35 U.S.C. § 103(a) as being

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unpatentable over McCurry et al. (US 4,950,743) in view of Grutzke (US 5,648,475). This rejection is again respectfully traversed for the following reasons.

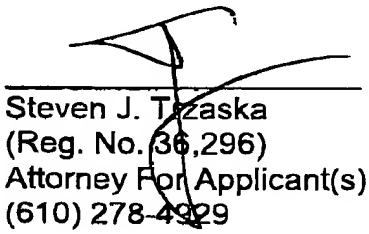
The shortcomings associated with the teaching of the '743 reference are as outlined above, and admitted to by the Examiner. The '475 reference is cited merely for its alleged teaching concerning the use of a cascade of reactors. Once again, however, it is respectfully submitted that regardless of whether the teaching of the '475 reference relating to the use of a cascade of reactors is obvious or not, since neither reference, **alone or in combination**, teaches or suggests all of the claim limitations of the present invention, a prima facie case of obviousness would nevertheless fail to be established against the claimed invention. See, *MPEP*, section 2142, pages 2100-108.

Accordingly, for all of the above-stated reasons, reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that the foregoing reply is completely responsive under 37 CFR § 1.111 and that all grounds for rejection are completely avoided and/or overcome. A Notice of Allowance is therefore earnestly requested.

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,



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